

### **R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

### **SUPPORT FOR THE CLAIM AMENDMENTS**

Support for the claim amendments may be found in the specification, for example, in claim 23 (incorporated in part into the independent claims) and claim 13 (incorporated in part into independent claim 12), Thus, no new matter has been added and no new issues are believed to be raised. Since the amendments should only require a cursory review, entry of the amendments is respectfully requested.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 1, 2, 14, 21 and 25 under 35 U.S.C. §103(a) as being anticipated by Gelman et al. '532 (hereafter Gelman) in view of Deutsch et al., 403 (hereafter Deutsch) has been obviated by amendment and should be withdrawn.

The rejection of claim 4 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch and Beyers '590 has been obviated by amendment and should be withdrawn.

The rejection of claims 5, 12, 13, 16 and 26 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch

and Maeda et al. '546 (hereafter Maeda) has been obviated by amendment and should be withdrawn.

The rejection of claim 6 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch and Dixon et al., '206 (hereafter Dixon) has been obviated by amendment and should be withdrawn.

The rejection of claims 8 and 15 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch and Akamatsu et al. '132 (hereafter Akamatsu) has been obviated by amendment and should be withdrawn.

The rejection of claims 22-24 and 28 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch and Sokawa et al. '460 (hereafter Sokawa) has been obviated by amendment and should be withdrawn.

The rejection of claim 27 under 35 U.S.C. §103(a) as being anticipated by Gelman in view of Deutsch, Maeda and Sokawa has been obviated by amendment and should be withdrawn.

Gelman concerns a communications architecture and method for distributing information services (title). Deutsch concerns architecture and application programming interfaces for Java-enabled MPEG-4 (MPEG-J) systems (title). Beyers concerns a system for data channel level control (title). Maeda concerns multiplex data transmitting and receiving equipment (title). Akamatsu concerns a receiver set, information apparatus and receiving system (title). Sokawa concerns a television receiver, video signal

processing device, image processing device and image processing method (title).

Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness (MPEP 2141 III, citing *KSR*). Since the proposed combination of references does not have all the elements of the presently claimed invention and the Office Action does not explain why missing elements from the proposed combination would have been obvious to one of ordinary skill in the art, the Office Action does not support the rejection under 35 USC §103 with a clear articulation of the reason(s) why the claimed invention would have been obvious in view of the cited references.

In contrast, the present invention provides an apparatus generally comprising a drive server, a control server, one or more remote devices, one or more navigation software modules and a supplemental decoder. The drive server may be configured to present one or more compressed data streams. The control server is generally separate from the drive server and configured to present a particular one of the one or more compressed data streams received from the drive server on a particular one of one or more busses as determined by a particular one of a plurality of request signals. The remote devices may be connected to the busses, at least one of the remote devices being disposed in a separate room from the control server and the drive server, each of the remote

devices comprising a first decoder circuit and a control circuit, the first decoder circuit being configured to decode and decompress at least one of the one or more compressed data streams received from the control server to generate at least one of a decoded video signal and a decoded audio signal. The navigation software modules are generally executable on the control server, each of the navigation software modules being configured to (i) generate one or more control signals that program a respective one of the first decoder circuits in response to one or more user options entered at the respective remote device and (ii) parse a respective one of the one or more compressed data streams. The supplemental decoder may be coupled to at least one of the remote devices through a serial interface to receive at least an additional one of the compressed data streams through the serial interface, the supplemental decoder decoding and decompressing the additional compressed data stream.

Claims 1, 12 and 14 are independently patentable over the cited references. Claim 1 provides one or more navigation software modules executable on the control server, each of the navigation software modules being configured to (i) generate one or more control signals that program a respective one of the first decoder circuits in response to one or more user options entered at the respective remote device. Claims 12 and 14 provide similar language. The Office Action asserts that (i) the CO buffers 44 of Gelman are similar to the claimed control server, (ii) the CO buffers 44 contain software similar to the claimed navigation

software modules, (iii) the CPEs 70 of Gelman are similar to the claimed remote devices, (iv) the decoder 73 of Gelman is similar to the claimed first decoder circuits and (v) MPEG-J Java byte codes of Deutsch are similar to the claimed control signal. In contrast, the references do not appear to teach that the MPEG-J Java byte codes of Deutsch are created in response user options entered at a Set-Top Box (STB) or other similar device, such as the CPEs 70 of Gelman.

In particular, Gelman does not appear to mention that the alleged "programming instructions" can program the decoder 73 of Gelman (see Office Action page 5). Gelman also appears to be silent that the alleged "programming instructions" are generated by the CO buffers 44 in response to user options entered at the CPEs 70. FIG. 4 and the text of Gelman in column 7 lines 45-54, column 11 lines 61-64 and column 12 lines 36-64 only appear to indicate that the CO buffers 44 response to user options by sending text messages to the graphics overlay processor 74. There is no evidence on record that one of ordinary skill in the art would consider text acknowledgments to render obvious generating control signals that program circuits. Furthermore, Deutsch also appears to be silent that the Java byte codes are responsive to user options entered at the STBs, or CPEs 70 of Gelman. The other references do not appear to cure this deficiency. The only document of record to use control signals for programming a decoder in response to user options is the application. Per *In re Lee*, it

is improper for the Office to use the teaching of the application as a guide in rejecting the claims.

Furthermore, the Office Action does not appear to provide articulated findings for combining prior art elements according to known methods to yield predictable results. As noted above, the selection of the elements from within the references appear to be based on the claims themselves, which is improper hindsight. Thus, the rejections do not satisfy all of the *Graham* factors as required. Therefore, the references do not appear to render obvious one or more navigation software modules executable on the control server, each of the navigation software modules being configured to generate one or more control signals that program a respective one of the first decoder circuits in response to one or more user options entered at the respective remote device, as presently claimed.

Claim 1 further provides (from former claim 23) a supplemental decoder coupled to at least one of the remote devices through a serial interface to receive at least an additional one of the compressed data streams through the serial interface, the supplemental decoder decoding and decompressing the additional compressed data stream. Claims 12 and 14 provide similar language. The Office Action asserts that a format conversion section 1100 of Sokawa is similar to the claimed supplemental decoder. However, the cited format conversion section 1100 does not appear to be capable of decoding and decompressing a compressed data stream.

In particular, column 12 lines 15-24 of Sokawa suggests that the format conversion section 1100 merely changes the input spatial format of one of the uncompressed video signals, received from the decoders 1015-1017, into an output spatial format suitable for the display device 1050. The format conversion section 1100 receives uncompressed video, not a compressed data stream. The format conversion section 1100 does not decode and decompress the already uncompressed video signals. The other references do not appear to cure this deficiency.

Furthermore, the Office Action does not appear to provide articulated findings for combining prior art elements according to known methods to yield predictable results. No explanation is provided why the circuit 1100 of Sokawa, that does not decode and decompress, would predictably decode and decompress a compressed data stream. Such a conclusion has no basis in fact. Thus, the rejections do not satisfy all of the *Graham* factors as required. Therefore, the references do not appear to render obvious a supplemental decoder coupled to at least one of the remote devices through a serial interface to receive at least an additional one of the compressed data streams through the serial interface, the supplemental decoder decoding and decompressing the additional compressed data stream, as presently claimed.

Assuming, *arguendo*, that the proposed combination of the references is proper, the proposed combination still does not appear to have all the elements of the presently claimed invention

for the above stated reasons. As such, the claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Claims 22, 27 and 28 are independently patentable over the cited references. Claim 22 provides that at least one of the remote devices further comprises a second decoder circuit capable of decoding and decompressing (a compressed data stream) in accordance with a second compression standard being different than a first compression standard of the first decoder circuit. Claims 27 and 28 provide similar language. The Office Action cites an NTSC decoder 1015, a MUSE decoder 1016 and a digital decoder 1017 of Sokawa as teaching multiple decoding standards. However, neither the NTSC decoder 1015 nor the MUSE decoder 1016 of Sokawa can decode and/or decompress a compressed data stream similar to the stream transmitted by the Information Warehouse (IFW) 10 of Gelman.

In particular, column 5 lines 20-45 of Gelman describe a broadband integrated servers digital network for carrying the video information from the IFW 10 to the COs 40. Column 6 lines 17-29 of Gelman describe an asynchronous digital subscriber line for carrying the video information from the COs 40 to the CPEs 70. As such, the video information received by the decoder 73 of Gelman is compressed and encoded in the digital domain. In contrast, the NTSC decoder 1015 and the MUSE decoder 1016 of Sokawa operate in the analog domain to convert the video information from one format



to another. The decoders 1015 and 1016 of Sokawa do not decode previously encoded video. The decoders 1015 and 1016 of Sokawa do not decompress previously compressed video. The other references do not appear to cure this deficiency.

Furthermore, the Office Action does not appear to provide articulated findings for combining prior art elements according to known methods to yield predictable results. No evidence is on record to conclude that one of ordinary skill in the art would find the non-decompressing analog decoders 1015 and 1016 of Sokawa to predictably decompress the compressed and digitally encoded video streams of Gelman. Thus, the rejection does not satisfy all of the *Graham* factors as required. Therefore, the proposed combination of references does not appear to render obvious that at least one of the remote devices further comprises a second decoder circuit capable of decoding and decompressing in accordance with a second compression standard being different than a first compression standard of the first decoder circuit, as presently claimed. As such, claims 22, 27 and 28 are fully patentable over the cited references and the rejections should be withdrawn.

Claim 24 is independently patentable over the cited references. Claim 24 provides that the supplemental decoder comprises an additional decoder circuit. Despite the assertion in the Office Action, the image processors 1040 and 1041 of Sokawa do not appear to be decoders. In particular, column 12, lines 29-39 of Sokawa describes the processor 1040 as a video signal processing

device that converts a selected video signal into a display format. Column 14 lines 7-13 of Sokawa provides a similar description for the processor 1041. In contrast, Sokawa appears to be silent that either processor 1040 and 1041 can decode an encoded and compressed data stream. Furthermore, the video signals received by the processors 1040/1041 appear to be received in non-encoded formats. The other references do not appear to cure this deficiency.

Furthermore, the Office Action does not appear to provide articulated findings for combining prior art elements according to known methods to yield predictable results. No evidence is on record to support the conclusion that the processor 1040 and 1041 can decode an encoded and compressed data stream. The predictability of the proposed combination appears to be based on conclusory statements that are not supported by any facts. Thus, the rejection does not satisfy all of the *Graham* factors as required. Therefore, the proposed combination of references does not appear to render obvious that the supplemental decoder comprises an additional decoder circuit, as presently claimed. As such, claim 24 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 19 is independently patentable over the cited references. Claim 19 provides that each of the cables comprise a serial bus. In contrast, no grounds of rejection or arguments are presented against claim 19. As such, obviousness has not been established and claim 19 should be allowed.

Claims 4, 5, 8, 13, 15, 16, 22-24 and 26-28 depend from independent claims 1, 12 and 14, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited reference and the rejection should be withdrawn.

**SHOWING UNDER 37 CFR §1.116**

After a final rejection, an amendment canceling claims may be made (37 CFR §1.116(b)(1)). Also, an amendment touching the merits of the application may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented (37 CFR §1.116(b)(3)). The amendments presented herein are necessary to rebut the new ground of rejection presented for the first time in the final Office Action. The amendments rebutting the new ground of rejection would not reasonably have been presented earlier because the reference forming the basis for the new ground of rejection was first present on the record in the final Office Action.

Furthermore, the amendments involve incorporating subject matter from the dependent claims and, therefore, are believed to better focus, if not remove issues for appeal, or require only a cursory review by the Examiner in conjunction with the arguments presented to rebut the rejections of the dependent claims. As such, the amendments presented herein are believed to be compliant with the showing requirement under 37 CFR §1.116(b)(3) and Applicant respectfully requests that the amendments be admitted.


Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 between 9:00 am and 5:00 pm Eastern time should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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